9. Flow Monitoring - There is no single flow limit that applies to all dischargers covered by this general permit. For proper operation and maintenance of treatment systems, the permittee must monitor and comply with site-specific flow limits as determined by the treatment system.

   a. **Design flow**: The permittee shall monitor flow with a continuous flow meter, e.g., a meter that records the instantaneous gallons per minute (gpm) and total gallons discharged, to ensure that it does not exceed the design flow of the treatment system, determined by the component of the treatment train with the most restricted flow and as reported on the NOI. See BMPP requirements in Part I.E.2.

   b. **Total flow**: The permittee shall monitor total monthly flow with a continuous total flow meter, e.g., a totalizer that records the instantaneous gallons per minute (gpm) and total gallons discharged, in order to ensure proper operation and maintenance of the effluent treatment system. See BMPP requirements in Part I.E.2.

D. Sampling, Testing, Recordkeeping, and Reporting Requirements

1. Sampling and Testing

   a. Samples shall be taken at a location that provides for a representative analysis of the influent and effluent. Influent sampling should be taken at a point prior to any treatment of the water, i.e., raw influent. For effluent, samples should be taken just prior to discharge to the receiving water or, if the effluent is commingled with another permitted discharge, prior to such commingling.

   b. All samples shall be tested using the analytical methods found in 40 CFR §136, or alternative methods approved by EPA in accordance with the procedures in 40 CFR §136.
   i. For measuring volatile compounds, Method 8260C[18] (or most recent version) may be used as a substitute for CWA Methods 524.2, 602, 624, or 1624.
   ii. For measuring semivolatile compounds, Method 8270D[19] (or the most recent version) may be used as a substitute for Methods 610, 625, and 1625.
   iii. Any use of Method 8260C or Method 8270D must be accompanied by documented quality assurance quality control (QA/QC) test results to prove that the analytical process can achieve the lower detection limits of the alternative methods.

[18] Method 8260C must be preceded by the sample preparation Method 5030.

[19] Method 8270D must be preceded by either Method 3520C or Method 3535 as the sample preparation method. In either case, the quality control requirements of Method 3500B must be taken into account. The sample preparation method must be specified with data analysis records. Method 8270D may be modified to provide lower detection and quantitation limits using Selected Ion Monitoring (SIM).

c. Compliance with the permit limits will be based on the Minimum Levels (MLs)[20] listed in Appendix VI of this permit. Any value below the applicable ML shall be reported as zero.

d. Analysis of influent and effluent samples shall use test methods with the MLs at or below limits where practicable. See Appendix VI for a list of test methods and MLs.
1) Where sample concentrations are above the MLs, any of the methods listed for that pollutant in Appendix VI may be used.
2) Where approved methods have MLs above the permit limits, the permittee must use the approved method with the lowest possible ML before the concentration can be considered non-detectable.

e. pH shall be monitored according to Method 150.1 or other method approved for use under 40 CFR 136.

f. Temperature shall be monitored according to Method 170.1 or other method approved for use under 40 CFR 136.

2. Initial Treatment System Discharge Startup - The permittee must perform the following additional sampling and analysis of all applicable parameters during the first month of discharge:

a. During the first week of discharge, permittees must take laboratory samples from the intake to treatment and from the effluent once each day on the first, third, and sixth day of the discharge.

Note: in cases where days fall on a holiday, Sunday, or other normal non-workday, the schedule may be adjusted to the next day before or after the off-day and noted on the monitoring report.

b. During the first week, samples may be analyzed in accordance with 40 CFR 136 or by other methods approved by this permit with a 72-hour turnaround time. After first week, samples must be analyzed with a 7 day turnaround time.

c. If the treatment system is working properly and achieving effluent limits, sampling for the remainder of the first month shall be weekly (i.e., for weeks 2, 3, and 4) and then monthly thereafter for the term of the permit. After the first week, results for

[20] Minimum Level (ML) is the lowest level at which the analytical system gives a recognizable signal and acceptable calibration point for the analyte. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence. The ML is calculated by multiplying the laboratory-determined method detection limit by 3.18 (see 40 CFR Part 136, Appendix B).

these additional samples shall be received and reviewed by the operator no more than seven (7) days from the sampling event.

d. During system startup, the operator may also utilize field monitoring and visual observations as appropriate (e.g. portable organic vapor analysis, pH, turbidity, or other tests) to aid in proper system startup.

e. If the operator has any indication of water treatment system malfunction or violation of effluent limitations, the operator must immediately shutdown the system discharge until appropriate repairs or other actions can be implemented.
1) If the treatment system is shut down during startup, at re-start of treatment and discharge, the operator shall utilize field monitoring again and an additional laboratory sample must be taken with a 24-hour turnaround time when results must be reviewed by the operator.
2) If the problem has been corrected, the operator may resume with the regular sampling schedule per Part I.D.2.a-d above.
3) If the problem persists, the operator must shut down the treatment system again and make necessary repairs.
4) The permittee must notify the Office of Environmental Stewardship at EPA-NE (617-918-2000) and the appropriate State by telephone, fax, e-mail or other means within 48-hours of the need to shut down the treatment system and cease discharge a second time.
5) Discharge may resume upon completion of correction of the problems or unless otherwise directed by EPA-NE or the state contact.

f. Existing data may be substituted for the data required by Part I.D.2.a - e above:
i. If equivalent initial sampling and analysis has been conducted prior to the effective date of the permit pursuant to: Massachusetts' regulations 310 CMR 40.0000, the Massachusetts Contingency Plan ("Chapter 21E"); New Hampshire's Title 50 RSA 485-A: Water Pollution and Waste Disposal or Title 50 RSA 485-C: Groundwater Protection Act; or an EPA permit exclusion letter issued pursuant to 40 CFR 122.3, and the data has been submitted with the NOI.
ii. Unless the existing treatment system has been interrupted for 45 consecutive days or more prior to the effective date of this permit. Such systems must meet the applicable requirements of Part I.D.5 or 6 below.

3. Acute Toxicity Testing and Monitoring - Permittees are prohibited from adding materials or chemicals which would produce a toxic effect to any aquatic life.

a. If the States and/or EPA-NE suspect that a discharge has a reasonable potential to cause or contribute to an excursion above the State's narrative criterion for toxicity, the State or EPA-NE may require that the results of a Whole Effluent Toxicity (WET) test and/or a priority pollutant scan of the waste water to be discharged as part of the Notice of Intent, as authorized at 40 CFR Section

122.44(d)(1)(v). If toxicity testing is required, EPA-NE will provide the permittee with a copy of the test procedure and detailed protocol.

b. The permittee shall submit to EPA-NE and the appropriate State Agency the results of all testing conducted, as required at 40 CFR Section 122.41(l)(4)(ii).

4. Recordkeeping and Reporting

a. In addition to the recordkeeping requirements found in Part II.C of this permit, the results of the sampling, monitoring, testing, and analysis shall be summarized monthly on the form provided in Appendix VIII and kept on-site or with the permittee and available for inspection by EPA or the State.

b. The permittee shall submit a summary of the results from sampling, monitoring, testing, and analysis to to the EPA-NE and state addresses listed in Appendix VIII, as appropriate, if:
1) the results indicate that a violation of the effluent limitations of this permit has occurred, or
2) EPA-NE or the State request such a report.

5. Intermittent Operations and System Re-Start - If the discharge has been interrupted for more than 45 consecutive days but fewer than 120 consecutive days, the permittee must perform additional monitoring and reporting during re-start.

a. A minimum of two (2) sets of influent and effluent laboratory samples of all applicable parameters must be taken during the first week after re-start of discharge.

b. During the first week, samples must be analyzed in accordance with 40 CFR 136 or by other methods allowed by this permit with a 72-hour turnaround time. After first week, samples must be analyzed with a 7 day turnaround time.

c. If the system is working properly and achieving effluent limits, sampling for the remainder of the first month (i.e., weeks 2, 3, 4) shall be weekly and then monthly thereafter.

d. If any sample or other observation indicates that effluent quality exceeds permit limitations, the same shutdown, repair, and notification requirements as required during initial startup apply.

e. The reporting requirements of Part I.D.4 apply.

6. Extended System Shutdown - Treatment systems and discharges that are interrupted for 120 or greater consecutive days are considered extended shutdowns. Any system re-start after this period shall revert to the monitoring and reporting requirements for initial system startup of Part I.D.2.

7. Short-Term Discharges - Discharges lasting less than one week (7 days), such as: pump tests and discharge of temporarily containerized waters, excluding hydrostatic testing discharges, which are then terminated and are not planned to be re-started, are considered "short-term discharges."

   a. For all short term discharges, the permittee must take a minimum of three (3) representative influent and effluent laboratory samples.

   b. At least one sample must be taken on the first day of discharge and one on the last day of discharge. Discharges of one day or less must take a minimum of one sample.

   c. Samples must be analyzed with a 72-hour turnaround time in accordance with 40 CFR 136 or by other methods allowed by this permit.

   d. The reporting requirements of Part I.D.4. apply.

8. Hydrostatic Testing Discharge Monitoring and Reporting Requirements - Hydrostatic test waters must meet additional monitoring requirements due to the unique nature of those activities.

   a. **For New and Existing Tanks**: The operator must take a minimum of six (6) representative grab samples, including:

      1) For influent sampling, the operator must take one (1) sample of the fill (source) water during the first 10% of the fill segment time and one (1) sample during the last 10% of the fill-segment time;
      2) For in-process sampling, the operator shall take samples of the tank water, following testing but before draining, one (1) at top and one (1) at bottom. The operator shall analyze and evaluate in-process samples prior to discharge. If the analysis demonstrates that the water quality does not meet the effluent limits established in this permit, the operator shall not discharge the effluent until treatment reduces the pollutant level below the limits established in this permit;
      3) For effluent sampling, the operator must take one (1) sample of the discharge water during the first 10% of discharge and one (1) sample during the last 10% of discharge. If at anytime the analysis demonstrates that the discharge water quality is not consistent with the effluent limits established in this permit, the operator shall cease discharging the effluent until further treatment achieves the effluent limits; and

4) All effluent sampling shall be taken prior to the combination with wastewaters of any type.

b. **For New and Existing Pipelines**: The operator must take a minimum of six (6) representative grab samples, including:

1) For influent sampling, the operator must take one (1) sample of the fill (source) water during the first 10% and one (1) sample during the last 10% of the fill-segment time;
2) For in-process sampling, the operator shall take two (2) samples of the pipeline water following depressurization. The operator shall analyze and evaluate in-process samples prior to discharge and if the analysis demonstrates that the water quality is not consistent with the effluent limits established in this permit, the operator shall not discharge the effluent until treatment reduces the pollutant level below the limits established in this permit;
3) For effluent sampling, the operator must take one (1) sample of the discharge water during the first 10% of discharge and one (1) sample during the last 10% of discharge. If at anytime the analysis demonstrates that the discharge water quality is not consistent with the effluent limits established in this permit, the operator shall cease discharging the effluent until further treatment achieves the effluent limits;
4) All effluent sampling shall be taken prior to the combination with wastewaters of any type.

c. Permittees shall follow the reporting requirements of Part I.D.4.

E. Best Management Practices Plan (BMPP)

1. Development of a BMPP - The permittee shall develop and implement a best management practices plan (BMPP) for the discharge operations covered under this permit.

a. In accordance with good engineering practices, the permittee shall provide a plan for compliance with the terms of this permit. The BMPP should include methods:
1) to minimize the potential for violations of the terms of the permit;
2) to protect the designated water uses of surrounding surface water bodies;
3) to mitigate pollution from materials storage areas, in-plant transfers of hazardous and/or toxic materials, process and material handling areas, loading and unloading operations, and accidental spillage; and
4) to properly operate and maintain the treatment systems where they are used to meet the limitations in this permit.

b. The plan shall identify potential sources of pollution and describe what will be done to reduce the pollutants associated with day-to-day work activity from the

facility.

c. The BMPP may be a stand-alone document or may be incorporated into any other BMPP, Pollution Prevention (P2), or Spill Prevention Control and Counter Measures (SPCC), or other plan required under other permits or programs.

d. The permittee must maintain the BMPP on-site or at the location of the principal operator identified in the RGP and made available for inspection to federal and state personnel.

e. The permittee must develop and include with the BMP plan a preventative maintenance plan (PMP) to insure that:
1) a maintenance schedule is in place for any treatment equipment used to meet the limits of this permit, and
2) implementation of regular maintenance activities are undertaken on the treatment system at the site

2. Additional Best Management Practices - The following are specific BMPs which are consistent with standard operating practices and should be considered in the development of a BMP plan:

a. **Site Security** - Security for the treatment and other systems related to the NPDES discharge should be either incorporated into the overall site security plan or as separate site security provisions as part of a BMP plan.

b. **Management of Generated Wastes** - Operators covered by this permit must adhere to proper waste management practices for the facility and should describe how they will comply with the requirements of federal and state regulations, as applicable, including:
1) For sites located in Massachusetts, waste regulations include: Massachusetts regulations for solid wastes generated at sites listed under the MA Contingency Plan (MCP) at 310 CMR 40.0030; and for facilities or sites not covered by the MCP, 310 CMR 30.000, "the Massachusetts Hazardous Waste Regulations."
2) For sites located in New Hampshire, waste regulations include: Part Env-Wm 412, Reporting and Remediation of Oil Discharges, and Env-Wm 100-1100, Hazardous Waste Rules, and any other applicable regulations.

Submission of a Notice of Termination (NOT) of the discharge (see Appendix V) does not relieve the operator of any requirement for proper management of solid and hazardous waste generated as a result of complying with the permit.

c. **Prohibition of Discharge Exceeding Design Flow** - The BMPP should describe how flow through the treatment system will be maintained below the "system design flow" (i.e., the maximum flow through the component with the lowest

limiting capacity).

d. **Total flow through treatment system** - The BMPP should describe how the permittee will monitor the total monthly flow through the treatment system as part of the PMP for the components of the system.

e. **Employee Training** - The BMP plan must include a program for training new employees and for refresher training for other employees who have direct or indirect responsibility for insuring compliance with the RGP.

f. **Management of Run-on and Runoff** - Any BMP plan developed for the facility covered by the RGP must include actions to control extraneous run-on and runoff of uncontaminated waters which may co-mingle with contaminated waters requiring treatment and discharge. In cases where the site or facility is large and may be covered by other permit requirements, the run-on/runoff controls may be integrated with the overall site requirements.

g. **Erosion, Scouring and Sediment Control** - The BMP plan must insure that the discharge(s) covered by this permit do not adversely affect existing water quality by preventing any erosion, stream scouring, or sedimentation caused directly or indirectly by the discharge.

3. BMPs for Hydrostatic Testing - In addition to meeting the numerical limits and other general BMPs in this section, hydrostatic testing dischargers must discuss in the BMPP and implement the following:

a. Prior to hydrostatic testing, pipes or tanks that will come into contact with the test water must be thoroughly cleaned to remove scale, soil, residues, etc.

b. Discharge flow should not exceed the flow of receiving streams and rivers or alter the habitat in other water bodies.

c. All chemical additives must be identified. Testing water containing additives must be disposed of as waste.

d. De-watering structures (such as splash blocks, sediment filters, etc.) should be used to dissipate energy and control erosion.

4. BMPP Deadlines - The following deadlines apply for developing BMPPs:

a. **New dischargers** - Permittees initiating new discharges after the effective date of the permit shall develop a BMPP before discharging. The BMPP shall be kept on site.

b. **Existing dischargers planning to operate for fewer than 180 days** - Permittees overseeing discharges pursuant to approved site remediation projects which will continue for fewer than 180 days from approval of coverage under the RGP, must be able to document that BMPs are currently in place and being implemented at the time the discharge is authorized.

c. **Existing dischargers planning to operate for more than 180 days** - Permittees with existing discharges pursuant to approved site remediation projects which plan to continue for more than 180 days from approval of coverage under the RGP, shall develop and implement a written BMP Plan (BMPP) within 30 days after receiving notification from EPA-NE that the site/facility is covered by the general permit. The BMPP shall be kept on site.

d. **Annual certification** - Annually, no later than February 15th, the permittee shall submit a certification to the State and EPA-NE which certifies that the BMPP was followed during the previous calendar year. The certification should state whether or not the inspections and maintenance activities were conducted, results recorded, and records maintained and the facility is in compliance with the BMP Plan. Annual certifications should be submitted as a letter to the addresses listed in Appendix VIII.
1) The annual certification shall be in the form of a letter and/or a checklist that indicates which elements of the BMP plan have been implemented and which elements have not, including reasons why not.
2) The certification must be completed and signed according to the requirements of 40 CFR 122.22 by either the operator(s) of the treatment system.

F. Special NPDES Permit Conditions

The following are a number of special NPDES conditions which apply to certain types of discharges:

1. <u>Compliance with Municipal Separate Storm Sewer Systems (MS4) Requirements and Storm Water Management Programs (SWMP)</u>

a. Dischargers covered by the RGP who discharge indirectly into a surface water through a MS4 collection system must comply with local requirements for discharge to that system including any Storm Water Management Program (SWMP) developed under EPA's MS4 general permit. The permittee shall keep records of any local permit, monitoring, or other information regarding the compliance with the local requirements along with the compliance records for this permit.

b. If an operator of the facility is covered by the multi-sector storm water general permit and by this Remediation General Permit (RGP), the following particular

requirements apply:
1) Operators who are utilizing a non-municipal storm sewer system at a facility covered by the EPA multi-sector storm water general permit for industrial activities must comply with any SWPPP developed under that permit.
2) Where there is separate ownership and/or different operators of the facility/site and the sewer system, the operator of the facility/site covered by this permit must notify the operator of the facility covered by the multi-sector permit.
3) An authorization to discharge under this general permit, where the activity discharges to a municipal or private storm drain owned by another party, does not convey any rights or authorization to connect to that drain.

2. Special Conditions for Hydrostatic Testing

a. Permittees are prohibited to discharge any sludge generated in the pre-cleaning or any rinsing solutions used in the pre-cleaning of the pipelines or tanks.

b. Permittees are prohibited from discharging hydrostatic test water to which treatment chemicals, corrosion inhibitors or biocides have been added.

G. Administrative Requirements

1. Notice of Change (NOC) - Permittees covered under this permit may request a change to certain conditions of this permit through submission of a notice of change (NOC) to the EPA-NE Director with a copy to the State agency.

a. A list of acceptable changes can be found in the NOC instructions in Appendix V. Such changes are not a permit modifications as provided for under 40 CFR 122.62.

b. For purposes of the RGP, the NOC may consist of either:
1) the suggested NOC form in Appendix V of the RGP, or
2) some other form of official correspondence containing all of the information described in the NOC instructions in Appendix V of this permit.

c. Signed and completed NOC forms and attachments must be submitted to EPA-NE and the appropriate state at the addresses listed in Appendix V, Section I.B.

2. Notice of Termination (NOT) - Permittees shall notify EPA-NE and the state in writing of the termination of discharge(s) authorized under the general permit. The Notice of Termination (NOT) may be either the suggested NOT form in Appendix V or any other form of official correspondence to EPA-NE and the state. Instruction for completing the NOT are contained in Appendix V.

a. Termination of Coverage Under the RGP for Discharge - The NOT must be completed and submitted within 30 days of the permanent cessation of the discharge(s) authorized by the RGP.

b. Signed and completed NOT forms and attachments must be submitted to EPA-NE and the appropriate state at the addresses listed in Appendix V, Section I.B.

3. Joint Issuance and Enforcement

a. For sites in New Hampshire, this NPDES Discharge Permit is issued by the EPA under Federal and State law. Upon final issuance by the EPA-NE, the NHDES-WD may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13. Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of the Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation.

b. For sites in Massachusetts, this Discharge Permit is issued jointly by the U. S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection under Federal and State law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the Massachusetts Department of Environmental Protection pursuant to M.G.L. Chap.21, §43, except where exempted under 310 CMR 40.0041(4) of the Massachusetts Contingency Plan. Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension or revocation. In the event any portion of this permit is declared invalid, illegal or otherwise issued in violation of state law, such permit shall remain in full force and effect under federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts, except where exempted under 310 CMR 40.0041(4) of the Massachusetts Contingency Plan.

4. Continuation of This General Permit After Expiration: If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and in effect as to any particular permittee. However, once this permit expires EPA-NE cannot provide written

notification of coverage under this general permit to any permittee who submits Notice of Intent to EPA Region I after the permit's expiration date. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

a. Reissuance of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge;

b. The permittee's submittal of a Notice of Termination;

c. Issuance of an individual permit for the permittee's discharges; or

d. A formal permit decision by the EPA-NE Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

H. Additional Permit Conditions Applicable to Specific States or Indian Country Lands
(If required, to be completed following State certification process and the public notice period.)